

106TH CONGRESS
2D SESSION

H. R. 4357

To continue the current prohibition of military relations with and assistance for the armed forces of the Republic of Indonesia until the President determines and certifies to the Congress that certain conditions with respect to East Timor are being met.

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2000

Mr. MCGOVERN (for himself, Mr. SMITH of New Jersey, Mr. KENNEDY of Rhode Island, Mr. WEYGAND, and Ms. PELOSI) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To continue the current prohibition of military relations with and assistance for the armed forces of the Republic of Indonesia until the President determines and certifies to the Congress that certain conditions with respect to East Timor are being met.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “East Timor Repatri-
5 ation and Security Act of 2000”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) More than 100,000 East Timorese refugees
4 remain in West Timor, where they fled or were fore-
5 ibly driven by militia and members of the armed
6 forces of the Republic of Indonesia following the
7 United Nations sponsored popular consultation of
8 August 30, 1999, in which 78.5 percent of East
9 Timor's population voted for independence from In-
10 donesia.

11 (2) Most of the East Timorese refugees in West
12 Timor would like to return to East Timor but have
13 been prevented from doing so by militia forces oper-
14 ating with the cooperation of Indonesian army ele-
15 ments.

16 (3) Hundreds of the refugees in West Timor
17 have died from preventable illnesses while many
18 thousands continue to live in a state of danger, un-
19 certainty and severe threats, including that of forced
20 resettlement to other areas of Indonesia.

21 (4) Elements of the Indonesian army have at-
22 tempted to infiltrate armed militia members into
23 East Timor, and reportedly have planned a militia
24 invasion of East Timor.

1 (5) Border attacks by militia groups remain a
2 threat to peace and stability in the region and to
3 international peacekeeping forces.

4 (6) Much of East Timor's infrastructure was
5 destroyed in the violence of 1999 and remains to be
6 rebuilt.

7 (7) An estimated 200,000 of East Timor's
8 original estimated population of 700,000 perished
9 from the combined effects of Indonesia's occupation
10 of East Timor before the violence of 1999.

11 (8) Thousands of East Timorese were killed in
12 violence perpetrated by Indonesian army elements
13 and militia in 1999.

14 (9) The prospects for justice for the victims of
15 the violence in East Timor remain unclear.

16 (10) An estimated 80 percent of East Timor's
17 population remains unemployed and East Timor's
18 Nobel Prize winning Catholic Bishop, Carlos
19 Ximenes Belo, has made a plea on their behalf.

20 (11) United States funds have been committed
21 to efforts by the United Nations and the efforts of
22 others to rebuild East Timor.

23 (12) Communications and logistical units of the
24 United States Armed Forces have formed part of

1 the international peacekeeping forces that entered
2 East Timor in 1999.

3 (13) The reform government of Indonesia, led
4 by President Abdurrahman Wahid and Vice Presi-
5 dent Megawati Sukarnoputri, has made good faith
6 commitments to end Indonesian military support for
7 militias and to establish a fair and transparent
8 mechanism to bring to justice the perpetrators of
9 gross human rights violations in East Timor and
10 elsewhere, but the efforts of the elected leadership of
11 Indonesia have thus far been resisted, and in some
12 cases actively disobeyed, by elements in the military
13 and in the bureaucracy.

14 **SEC. 3. SENSE OF THE CONGRESS.**

15 It is the sense of the Congress that the United States
16 Government should utilize all diplomatic and economic
17 means to press for—

18 (1) the safe repatriation to East Timor of all
19 East Timorese in West Timor and elsewhere who
20 wish to return to East Timor;

21 (2) an end to border incidents and infiltration
22 of militias and an end to any other violent actions
23 by militias and the armed forces of the Republic of
24 Indonesia against the people or territory of East
25 Timor;

1 (3) processes and prosecutions leading to jus-
2 tice for the victims of the 1999 violence in East
3 Timor;

4 (4) rapid reconstruction of East Timor, includ-
5 ing maximum consultation with and inclusion of
6 local personnel; and

7 (5) a significant increase in employment for
8 East Timorese in all internationally-sponsored recon-
9 struction and United Nations efforts relating to
10 East Timor.

11 **SEC. 4. PROHIBITION ON MILITARY RELATIONS AND AS-**
12 **SISTANCE TO THE ARMED FORCES OF INDO-**
13 **NESIA.**

14 (a) PROHIBITION.—Notwithstanding any other provi-
15 sion of law (other than section 589 of the Foreign Oper-
16 ations, Export Financing, and Related Programs Appro-
17 priations Act, 2000), United States military relations
18 with, and military assistance for, the armed forces of the
19 Republic of Indonesia suspended by the President pursu-
20 ant to the directive of the President issued on September
21 9, 1999, may not be resumed until the President deter-
22 mines and certifies to the Congress that the Government
23 of Indonesia and the armed forces of Indonesia provide
24 for the territorial integrity of East Timor, the security and
25 safe return of refugees, and have brought to justice those

1 individuals who have committed murder, rape, torture,
2 and other crimes against humanity in East Timor and
3 elsewhere.

4 (b) DEFINITION.—In this section, the term “crimes
5 against humanity” includes crimes of genocide, torture,
6 forced disappearance, extrajudicial killing, and rape, if
7 committed as part of a widespread or systematic attack
8 against the civilian population.

9 **SEC. 5. RECOGNITION OF UNITED STATES ARMED FORCES**
10 **ASSISTING THE INTERNATIONAL PEACE-**
11 **KEEPING OPERATION IN EAST TIMOR.**

12 The Congress recognizes and salutes those members
13 of the United States Armed Forces who have assisted the
14 international peacekeeping operation in East Timor.

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